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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,093	09/28/2004	Joachim Johansson	NET-5865	9917
25962 7590 11/25/2009 SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793				
EXAMINER JAKOVAC, RYAN J				
ART UNIT 2445		PAPER NUMBER		
MAIL DATE 11/25/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,093

Applicant(s)

JOHANSSON ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26, 29-31, 34-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 29-31, 34-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 23-26, 29-31, 34-42, and 44, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-26, 29-31, 34-42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over WOLF.

Regarding claim 23, 34, WOLF teaches method for operating an IP network, wherein the resources are reserved by a resource manager for an application or a group of applications within a time interval defined by a start-time and a stop-time (WOLF, pg. 3-4, client issues a request for resources and specifies points in time that define the beginning and duration of the reservation.), the method comprising:

receiving by a first network element from a second network element an open-ended reservation request for resources for an application or group of applications (WOLF, pg. 1-2, immediate reservation requests.);

WOLF does not expressly disclose assigning a start-time and a stop-time for the open-ended reservation request, said stop-time being based upon the application or the group of applications.

However, Wolf discloses both advance reservations and immediate (i.e. open ended) reservations as well as assigning a start and stop time to reservations for reserving resources in advance (WOLF, pg. 1, 4.). Since open ended requests have no limit to their duration, resources may not be available for open ended requests. It would have been an obvious variation on the system disclosed by Wolf to use the functionality already present in Wolf to assign a start and stop time to an open ended request when resources did not exist for open ended requests but where slots did exist for scheduled requests. Wolf discloses checking a reservation database to determine if resources are available to reserve for a resource request (WOLF, pg. 9.). It would have been an obvious variation on the system disclosed by Wolf to use the functionality already present in Wolf, i.e. checking the reservation database to see what times were available and assigning an available start and stop time to a request when resources for an open ended request were not available thereby allowing these requests to be serviced.

guaranteeing said resources between said start-time and said stop-time, said guaranteeing being performed in advance of when said resources are allocated such that said start-time is later than a current time (WOLF, pg. 9, resources are guaranteed between the start and stop time of a resource request by comparing the requested capacities in the time period given by the request to the available resources. See also, pg. 3.); and

allocating said resources for the application or the group of applications between said start-time and said stop-time (WOLF, pg. 6.); and

keeping said resources for the application after said stop-time has expired if said application still needs resources (WOLF, pg. 5, reservations are extended after a stop time using “demand” functions. Pg. 7 discloses the ability to extend reservations after the previously scheduled duration.), wherein the first network element is keeping a list of active reservations that have expired after said stop-time (WOLF pg. 8-9, time parameters relating to scheduled reservations and reservation requests are stored in the reservation database. The resource manager uses this information to check requested capacities in a certain time period against the time period given by the request. Extending a reservation is disclosed as described above. The resource manager check against the reservation database to secure an extension of a reservation, as disclosed on pg. 7.).

Regarding claims 24, 35, WOLF teaches the method according to claim 23, wherein all resource reservations are utilizing a common pool of resources (WOLF, pg. 3, resource manager provides functionality for the active resources. See also fig. 1, capacity test. Pg. 3 also discloses that the resource management is applied to all resources on the transmission and processing path (i.e. common pool of resources).).

Regarding claims 25, 36, WOLF teaches the method according to claim 23, wherein individual start-time and stop-time are set for each application by an application client (WOLF, pg. 3-4, client issues request defining start and stop time.).

Regarding claims 26, 37, WOLF teaches the method according to claim 23, wherein individual start-time and stop-time are set for each application by the first network element (WOLF pg. 3-5, the resource manager grants a scheduled time for the requestor. See also fig. 2.).

Regarding claims 30, 41, WOLF teaches the method according to claim 23, wherein charging of said resources is based on an amount of guaranteed resources (WOLF pg. 8-9, The resource manager checks requested capacities in a certain time period against currently scheduled reservations (i.e. indicating the amount of guaranteed resources).).

Regarding claims 31, 42, WOLF teaches the method according to claim 23, wherein said resources are related to a bandwidth (WOLF, pg. 3, QoS requirements include throughput and delay.).

Regarding claim 44, WOLF teaches the resource manager according to claim 34, wherein said start-time comprises a time value, the time value being greater than a current time. is set to a time in the future (WOLF, pg. 3, 9, reservations comprising time values are scheduled in advance.).

Regarding claim 38, WOLF teaches the method according to claim 23. WOLF does not expressly wherein said start-time is set to the current time. However, reservation requests are made which include a start-time and a duration, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a start time set to a current time since this is

an obvious variation of requested start times and would be used for instance to reserve a resource for immediate use.

Regarding claims 39, WOLF teaches the method according to claim 23, WOLF does not expressly disclose wherein said stop-time is set to the current time. However, WOLF discloses that the shorter durations for reservations may be induces and in the case where the duration is shorter than expected, resources are likely to be made available for immediate use. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine wherein said stop-time is set to the current time with the method of WOLF in order to make resources available for immediate use (WOLF, pgs. 6-7.).

4. Claims 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over WOLF in view of "RFC 2131 - Dynamic Host Configuration Protocol" (hereinafter DHCP).

Regarding claims 29, 40, WOLF teaches the method according to claim 23. WOLF does not expressly disclose wherein said stop-time is set to infinity. However, DHCP discloses wherein said stop-time is set to infinity (DHCP, Ch. 3.3, 1st paragraph, Client lease times set to infinity.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said stop-time is set to infinity as taught by DHCP with the method of WOLF in order to permanently reserve resources for a client (DHCP, section 2.2, 3.3.).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Jakovac/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445